

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

JEAN EXANTUS,	)	
	)	
Petitioner	)	
	)	Civil Action No.
v.	)	05cv10700-DPW
	)	
DEPARTMENT OF HOMELAND SECURITY,	)	
	)	
Respondent <sup>1</sup>	)	

MOTION TO DISMISS

Respondent moves to dismiss this action pursuant to Fed. R. Civ. P. Rules 12(b)(1) and 12(b)(6) for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: s/Frank Crowley  
FRANK CROWLEY  
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<sup>1</sup> See 28 U.S.C. § 517 (providing for the appearance of the Department of Justice "to attend to the interests of the United States in a suit pending in a court of the United States").

CERTIFICATE OF SERVICE

I hereby certify that I caused true copy of the above document to be served upon counsel for petitioner by mail on May 9, 2005.

s/Frank Crowley

FRANK CROWLEY

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